

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #2
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
	:	Hearing date/time: 8/29/2019 @ 9 am
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	
Debtors/Respondents	:	
and	:	
Ronda J. Winnecour, Esquire	:	
Trustee/Respondent	:	

AMENDED OBJECTION TO CONFIRMATION OF THE PLAN
DATED 01/31/2019

U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. ("Movant"), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Joseph P. Pelesky, Sr. and Carolynn Pelesky ("Debtors"), as follows:

1. As of the bankruptcy filing date of January 31, 2019, Movant holds a secured Claim against the Debtors' property located at 2941 Glenmore Avenue, Pittsburgh, PA 15216.
2. On April 11, 2019 Movant filed a Proof of Claim citing a secured total debt claim in the amount of \$48,285.59.
3. The Plan currently proposes payment to Movant in the amount of \$48,000.00 for the total secured claim (\$800.00 proposed monthly payment for 60 months).
4. Movant is entitled to receive the total secured claim along with interest on the declining balance at 7.25% *per annum* which would result in a total amount paid to Movant of approximately \$57,709.09 over the life of the Plan.
5. The proposed Plan fails to provide for Debtor to pay all taxes and maintain insurance on the property.

6. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
7. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.
8. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 08/27/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
Hladik, Onorato & Federman, LLP
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Movant	:
vs.	:
	: Hearing date/time: 8/29/18 @ 9 am
Joseph P. Pelesky, Sr. andCarolynn Pelesky	:
Debtors/Respondents	:
and	:
Ronda J. Winnecour, Esquire	:
Trustee/Respondent	:

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on 08/27/2019:

Shawn N. Wright, Esquire
Via ECF:
shawn@shawnwrightlaw.com
Attorney for Debtors

Ronda J. Winnecour, Esquire
Via ECF:
cmecf@chapter13trusteewdpa.com
Trustee

Joseph P. Pelesky, Sr.
Carolynn Pelesky
2941 Glenmore Avenue
Pittsburgh, PA 15216
Via First Class Mail
Debtors

Respectfully Submitted,

Date: 08/27/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
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Movant	:	
vs.	:	
	:	Hearing date/time: 8/29/19 @ 9 am
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	
Debtors/Respondents	:	
and	:	
Ronda J. Winnecour, Esquire	:	
Trustee/Respondent	:	

ORDER

Upon consideration of U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc.'s Objection to Confirmation of the proposed Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2019 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable Carlota M. Bohm
United States Bankruptcy Judge